United Nations A/HRC/RES/35/13

General Assembly

Distr.: General
6 July 2017

Original: English

Human Rights Council
Thirty-fifth session
6–23 June 2017
Agenda item 3

Resolution adopted by the Human Rights Council on 22 June 2017

35/13. Protection of the family: role of the family in supporting the protection and promotion of human rights of older persons

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and the Political Declaration and Madrid International Plan of Action on Ageing, 2002, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and other relevant human rights instruments, including the Declaration on the Right to Development,

Recalling Human Rights Council resolutions on protection of the family, including its most recent, resolution 32/23, adopted on 1 July 2016,

Recalling also all General Assembly resolutions concerning the proclamation of, preparations for and observance and commemoration of the International Year of the Family and its tenth and twentieth anniversaries,

Recalling further the General Assembly and Human Rights Council resolutions on the issue of the human rights of older persons,

Acknowledging the work of the Independent Expert on the enjoyment of all human rights by older persons,

Recognizing that the objectives of the International Year and its follow-up processes, especially those relating to family policies in the areas of poverty, work–family balance and intergenerational issues, with attention given to the rights and responsibilities of all family members, can contribute to ending poverty, ending hunger, ensuring a healthy life and promoting the well-being of all at all ages, promoting lifelong learning opportunities for all, and ensuring better education outcomes for children, to gender equality and the

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empowerment of all women and girls, and to the full enjoyment by older persons of all human rights and fundamental freedoms, as part of an integrated and comprehensive approach to development,

Reaffirming that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Affirming that everyone has the right to a standard of living adequate for the health and well-being of himself or herself and of his or her family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his or her control,

Recognizing the potential contribution of the family to society, national development and the achievement of major objectives of every society and of the United Nations, and noting with concern that such a contribution continues to be underestimated,

Recalling that the pledge made by all States with the adoption of the 2030 Agenda for Sustainable Development[1] to leave no one behind involves addressing inequality and discrimination, and provides an opportunity to tackle inequities faced, inter alia, by older persons, especially those who are marginalized or in vulnerable situations, and their families,

Recognizing the essential contribution that older persons can continue to make to the functioning of societies and towards the implementation of the 2030 Agenda if adequate guarantees are in place,

Welcoming the holding of the intersessional seminar on the protection of the family and disability,

1. *Reaffirms* that the family is the natural and fundamental group unit of society, and is entitled to protection by society and the State;

2. *Also reaffirms* that States have the primary responsibility to promote and protect the human rights and fundamental freedoms of all individuals, including older persons, and stresses the fundamental importance of full respect for human rights and fundamental freedoms of all the members of the family, including older persons;

3. *Stresses* the primary responsibility of States in promoting, providing and ensuring access to basic social services for older persons, bearing in mind their specific needs, and to this end underlines the need to work together with local authorities, civil society, including non-governmental organizations, the private sector, volunteers and voluntary organizations, older persons themselves and associations for and of older persons, as well as families and communities;

4. *Recognizes* the challenges related to the enjoyment of all human rights that older persons face in areas such as prevention of and protection against violence and abuse, social protection, food and nutrition, housing, employment, legal capacity, access to justice, health services, including physical and mental health support, and long-term and palliative care services, and that those challenges require in-depth analysis and action to better address them;

[1] General Assembly resolution 70/1.

5. *Reiterates* the call for all States to empower older persons to fully and effectively participate in the economic, political and social lives of their societies;

6. *Emphasizes* the importance of protecting and promoting the human rights of older persons, and urges States to integrate the promotion of and respect for the human rights of older persons into their respective national development frameworks, taking into account those marginalized and in the most vulnerable situations, to ensure that no one is left behind and that those furthest behind are reached first;

7. *Reaffirms* the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[2] an integral part of the 2030 Agenda for Sustainable Development, in which it is recognized that investing in older persons is critical to achieving inclusive, equitable and sustainable development for present and future generations, and the vital importance of promoting and protecting the rights of all and ensuring that no one is left behind;

8. *Recognizes* the positive impact that policies and measures to support families and protect them from poverty, exclusion, violence and involuntary separation can have on protecting and promoting the human rights of their members, including those of older persons, and on achieving equality between women and men and girls and boys, empowering women and girls, and enhancing protection against violence, abuses, sexual exploitation, the worst forms of child labour, and harmful practices, while bearing in mind that violations and abuses of the human rights and fundamental freedoms of family members adversely affect families and have a negative impact on efforts aimed at protecting the family;

9. *Also recognizes* that neglect, abuse and violence against older persons takes many forms – physical, psychological, emotional, financial – and occurs in every social, economic, ethnic and geographic sphere, including within the family, and calls upon States to, inter alia, enact legislation and strengthen legal efforts to eliminate elder abuse; and educate and sensitize professionals and the general public on violence and abuse of older persons, its various characteristics and causes, and protection of and respect for their human rights and needs;

10. *Further recognizes* that older women face a greater risk of physical and psychological abuse due to discriminatory societal attitudes and the non-realization of their human rights, and that some harmful traditional and customary practices result in abuse and violence directed at older women, often exacerbated by poverty and lack of access to legal protection;

11. *Stresses* that equality between women and men, and equal participation of women in employment, public life and decision-making, as well as shared parental and household responsibilities, are essential elements of family policies;

12. *Recognizes* that the family, while respect for the rights of its members is ensured, is a strong force for social cohesion and integration, intergenerational solidarity and social development, and that the family plays a crucial role in the preservation of cultural identity, traditions, morals, heritage and the values system of society;

13. *Conscious* that families are sensitive to strain caused by social and economic changes, expresses deep concern that conditions have worsened for many families owing to consequences of economic and financial crises, lack of job security, temporary employment and lack of regular income;

[2] General Assembly resolution 69/313, annex.

14. *Recognizes* that the family unit is facing increasing vulnerabilities and pressures, and notes that, inter alia, single parent-headed households, child-headed households, families with members with disabilities and intergenerational households might be particularly vulnerable to poverty and social exclusion, and resolves to pay particular attention to them, while bearing in mind that a considerable proportion of households worldwide are headed by women and many other households are dependent on female income, and that female-maintained households are very often among the poorest because of wage discrimination;

15. *Remains convinced* that older persons, including those with disabilities, and their family members should receive the protection and assistance necessary to achieve the full and equal enjoyment of human rights by every person;

16. *Highlights* the role of families in supporting their members, including older persons, and recognizes their potential in contributing to the protection and promotion of older persons among their members;

17. *Stresses* that families remain the first and most immediate environment where older persons can develop their potential and enjoy a fulfilling life, and that the realization of the human rights of older persons can be deeply affected by the quality of life and the support and assistance provided to them, including through access to a range of support services that are responsive to individual choices, wishes and needs;

18. *Affirms* that older persons have equal rights with respect to family life, and that States should realize these rights and prevent the concealment, abandonment, neglect and segregation of older persons and undertake to provide early and comprehensive information, services and support to older persons and their families;

19. *Emphasizes* that consultation with older persons is essential in the formulation and adoption of legislation and policies relating to their specific needs and concerns;

20. *Encourages* States to increase efforts to raise awareness of the Madrid International Plan of Action on Ageing, 2002, including by promoting and supporting initiatives to advance a positive public image of older persons and their multiple contributions to their families, communities and societies and by working with the respective international, regional and national bodies and mechanisms, as appropriate;

21. *Also encourages* States to continue their efforts to implement the Madrid Plan of Action and to mainstream the concerns of older persons into their policy agendas, bearing in mind the crucial importance of intergenerational family interdependence, solidarity and reciprocity for social development and the realization of all human rights of older persons, and to prevent discrimination against older persons and provide social integration;

22. *Recognizes* the importance of strengthening intergenerational partnerships and solidarity, and in this regard calls upon Member States to promote opportunities for voluntary, constructive and regular interaction between generations in the family, the workplace and society at large;

23. *Encourages* States and non-governmental bodies to establish social and care services to support the whole family and individual carers when there are older people at home and to implement such measures, especially for low-income families, to be able to care for the older people at home;

24. *Recognizes* the potential of older persons as leaders in the family and community for education, communication and conflict resolution;

25. *Stresses* the need for States to adopt immediate, effective and appropriate measures aimed at raising awareness throughout society, including at the family level, regarding older persons, with a view to fostering respect for their rights and dignity;

26. *Urges* States, in accordance with their respective obligations under international human rights law, to provide the family, as the natural and fundamental group unit of society, with effective protection, support and assistance, and encourages States in this regard to take, as appropriate, relevant effective measures to the maximum of their available resources;

27. *Recognizes* the important role of civil society, including organizations of older persons and their families, national human rights institutions, research institutes and academia, in advocacy, promotion, research and policymaking and, as appropriate, the evaluation of family policy development and capacity-building;

28. *Also recognizes* that the family unit plays a key role in social development, and as such should be strengthened and attention paid to the rights, capabilities and responsibilities of its members, and invites States, the organizations of the United Nations system and all other relevant stakeholders to take into account the role of the family as a contributor to sustainable development and the need to strengthen family policy development in their ongoing efforts to achieve the internationally agreed development goals, including the 2030 Agenda;

29. *Invites* the United Nations High Commissioner for Human Rights, the treaty bodies, relevant special procedure mandate holders and other relevant international and regional human rights mechanisms, within their respective mandates and competence, to pay due attention in their work to the implementation by States of their obligations under relevant provisions of international human rights law to provide protection and support to the family as the natural and fundamental unit of society;

30. *Decides* to convene, with the support of the High Commissioner, before the thirty-eighth session of the Human Rights Council, a one-day intersessional seminar on the impact of the implementation by States of their obligations under relevant provisions of international human rights law with regard to the protection of the family on the role of the family in supporting the protection and promotion of the human rights of older persons, and to discuss challenges and best practices in this regard, with the participation of Member States and other relevant stakeholders, including national human rights institutions, academic experts and civil society organizations;

31. *Requests* the High Commissioner to present a report on the seminar, in the form of a summary, to the Human Rights Council at its thirty-ninth session;

32. *Decides* to remain seized of the matter.

35th meeting
22 June 2017

[Adopted by a recorded vote of 30 to 12, with 5 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania, Belgium, Croatia, Germany, Japan, Latvia, Netherlands, Portugal, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Brazil, Georgia, Hungary, Panama, Republic of Korea]